



2023/2906

22.12.2023

COUNCIL IMPLEMENTING DECISION (CFSP) 2023/2906

of 21 December 2023

implementing Decision 2010/788/CFSP concerning restrictive measures in view of the situation in the Democratic Republic of the Congo

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo ⁽¹⁾, and in particular Articles 6(1) and (2) and 7(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 20 December 2010, the Council adopted Decision 2010/788/CFSP.
- (2) On 25 October 2023, the United Nations Security Council Committee established pursuant to United Nations Security Council Resolution 1533 (2004) added two persons to the list of individuals and entities subject to restrictive measures. Those two persons should be included in the list of persons subject to restrictive measures set out in Annex I to Decision 2010/788/CFSP and the corresponding entries should be deleted from the list of natural or legal persons, entities and bodies in Annex II to that Decision.
- (3) Annex I and II to Decision 2010/788/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex I and II to Decision 2010/788/CFSP are hereby amended in accordance with the Annex to this Decision.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 21 December 2023.

For the Council
The President
P. NAVARRO RÍOS

⁽¹⁾ OJ L 336, 21.12.2010, p. 30.

ANNEX

(1) The following persons are added to the list of natural persons set out in Part a), 'List of persons referred to in Article 3(1)', of Annex I to Decision 2010/788/CFSP:

37. Bernard Maheshe BYAMUNGU

(*alias*: Tiger One)

Designation: a) Brigadier General b) Deputy Commander of operations and intelligence for M23.

Date of birth: 10 October 1974.

Place of birth: Democratic Republic of the Congo.

Nationality: Democratic Republic of the Congo.

Address: Democratic Republic of the Congo.

Date of UN designation: 25 October 2023.

Other information: Listed pursuant to paragraphs 7(c) and 7(h) of resolution 2293 (2016) as "being political and military leaders of Congolese militias, including those receiving support from outside the DRC, who impede the participation of their combatants in disarmament, demobilization and reintegration processes" and "acting on behalf of or at the direction of a designated individual or entity, or acting on behalf of or at the direction of an entity owned or controlled by a designated individual or entity", as reaffirmed by paragraph 2 of resolution 2688 (2023). As a leader of M23, he is involved in promulgating and supporting the armed group's activities. He was promoted in January 2023 to Brigadier for the Congolese Revolutionary Army, the M23 armed branch. He was then appointed chief of staff and deputy to Sultani Makenga, and has validated the planning for every M23 operation in DRC since then. A warrant has been issued by Congolese authorities for his arrest.

38. Ruvugayimikore PROTOGÈNE

(*alias*: a) Ruhinda b) Gaby Ruhinda c) Zorro Midende d) Gatokarakura)

Designation: Commander of the FDLR special unit, "Commando de recherche et d'action en profondeur", ("CRAP"), now called Maccabe.

Date of birth: a) 1968 b) 1969 c) 1970.

Place of birth: a) Karandaryi Cell, Mwiyanike Sector, Karago Commune, Gisenyi Prefecture, Rwanda b) Nyabihu District, Western Province, Rwanda.

Address: Nyiragongo, North Kivu, Democratic Republic of the Congo.

Date of UN designation: 25 October 2023.

Other information: Listed pursuant to paragraphs 7(b), 7(e), and 7(h) of resolution 2293 (2016) as "being political and military leaders of foreign armed groups operating in the DRC who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups"; "planning, directing, or committing acts in the DRC that constitute human rights violations or abuses or violations of international humanitarian law, as applicable, including those acts involving the targeting of civilians, including killing and maiming, rape and other sexual violence, abduction, forced displacement, and attacks on schools and hospitals"; and "acting on behalf of or at the direction of a designated individual or entity, or acting on behalf of or at the direction of an entity owned or controlled by a designated individual or entity", as reaffirmed by paragraph 2 of resolution 2688 (2023). As a leader of FDLR, he has effective command and control over that group's combatants.'

(2) The following entries are deleted from the list set out in Section A, 'Persons', of Annex II to Decision 2010/788/CFSP:

10. Ruvugayimikore PROTOGÈNE;

18. Bernard Maheshe BYAMUNGU.